

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 12, 2007**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 12, 2007, AT 6:38 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Joel Coleman  
Margaret K. Peterson  
Steve Vincent  
Mike Winder

Buzz Nielsen, Acting City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Joseph Moore, CED Director  
Russell Willardson, Public Works Director  
John Evans, Fire Chief  
Kevin Astill, Parks and Recreation Director  
Nicole Cottle, Acting City Attorney  
Don Groo, Acting Finance Director  
Aaron Crim, Administration

**13302 OPENING CEREMONY**

The Opening Ceremony was conducted by Margaret Peterson who related a story that occurred the previous week while she was bike riding in Salt Lake City near North Temple.

**13303 COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt there was no one in attendance who desired to address the City Council during the Comment Period.

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**RESOLUTION NO. 07-113, AUTHORIZE CITY TO ENTER INTO AGREEMENT WITH L. BRUCE LARSEN OF LARSEN & RAMMELL TO PROVIDE INDIGENT DEFENSE SERVICES**

Acting City Manager, Buzz Nielsen, presented proposed Resolution No. 07-113 which would authorize the City to enter into a five-year Agreement with L. Bruce Larsen of Larsen & Rammell in the amount of \$351,000.00 per year to provide indigent defense services.

Mr. Nielsen stated the City was required to provide legal representation to indigent defendants and Mr. Larsen had provided that service by contract for over 24 years. He also stated Mr. Larsen was familiar with the court requirements and procedures and provided competent and valuable service to the City. He recommended, based on Mr. Larsen's knowledge and skill, he be chosen as the appropriate attorney for the contract position.

The Acting City Manager indicated that on March 22, 2007, West Valley City advertised for attorney services to provide the criminal defense to indigent defendants charged with violations of City ordinances before the Third District Court and the City's Justice Court for the fiscal year 2007-2008. He reported one proposal had been received from L. Bruce Larsen of Larsen & Rammell.

After discussion, Councilmember Burt moved to approve Resolution No. 07-113, A Resolution Authorizing the City to Enter Into an Agreement with L. Bruce Larsen of Larsen & Rammell to Provide Indigent Defense Services. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

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**RESOLUTION NO. 07-114, APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH THE SALT LAKE COUNTY CLERK ELECTION'S DIVISION FOR THE PURPOSE OF ASSISTING THE CITY RECORDER'S OFFICE IN CONDUCTING THE 2007 PRIMARY AND GENERAL MUNICIPAL ELECTIONS**

Acting City Manager, Buzz Nielsen, presented proposed Resolution No. 07-114 which would approve an Interlocal Cooperation Agreement with the Salt Lake County Clerk Election's Division in the amount of \$162,469.09 for the purpose of assisting the City Recorder's Office in conducting the 2007 primary and general municipal elections.

Mr. Nielsen stated the subject services would include the following: establishing polling places; providing electronic voting equipment and necessary supplies; recruiting and training poll workers; providing training for "rovers" hired by the City to provide technical support on election days; providing voter registration lists; providing tabulation equipment and personnel to tabulate votes; providing security personnel during ballot counting and tabulation process, providing sufficient personnel to deliver, process, count and tabulate the ballots on both election nights; distributing and processing all absentee and provisional ballots; preparing and delivering the election returns to the City; providing maps with voting precincts for distribution to candidates; making necessary payments for poll workers, polling places, public notices and ballot printing; and other services as required by the City to conduct the 2007 primary and general municipal elections.

The Acting City Manager reported providing of the above services would assist in conducting the elections in an efficient manner and streamline the City's election process. He also reported the fee would cover all costs associated with the municipal primary and general elections with the exception of some legal notices, paying three rovers for services, and voter outreach such as pamphlets and posters.

After discussion, Councilmember Peterson moved to approve Resolution No. 07-114, A Resolution Approving an Interlocal Agreement between West Valley City and the Salt Lake County Clerk Election's Division for the Purpose of Assisting the City Recorder's Office in Conducting the City's 2007 Primary and General Municipal Elections. Councilmember Coleman seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13306

**RESOLUTION NO. 07-115, AUTHORIZE PURCHASE OF SLURRY EMULSION FROM SEM MATERIALS, L.P. FOR PLACEMENT ON CITY STREETS AS PART OF THE CITY'S PAVEMENT MANAGEMENT PROGRAM**

Acting City Manager, Buzz Nielsen, presented proposed Resolution No. 07-115 which would authorize purchase of slurry emulsion from SemMaterials, L.P. in an amount not to exceed \$267,500.00.

Mr. Nielsen reported SemMaterials L.P. was the sole provider in the Wasatch Front of CQS-1H slurry emulsion.

The Acting City Manager stated slurry sealing was a major component of the City's pavement management program. He also stated the proper material was critical to the success of that operation and cationic quickset slurry was only available from the recommended contractor. He reported the City had worked with the recommended contractor in the past and remained confident in their ability to deliver a quality product on time and within budget.

After discussion, Councilmember Brooks moved to approve Resolution No. 07-115, A Resolution Authorizing West Valley City to Purchase Slurry Emulsion from Sem Materials, L.P. for Placement on City Streets as part of the City's Pavement Management Program. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes

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Mayor Nordfelt                      Yes

Unanimous.

13307      **APPLICATION NO. S-3-2007, FILED BY AARON HANKS, REQUESTING FINAL PLAT APPROVAL FOR MOUNTAINLAND VISTAS SUBDIVISION LOCATED AT 6108 WEST 3500 SOUTH**

Acting City Manager, Buzz Nielsen, presented Application No. S-3-2007, filed by Aaron Hanks, requesting final plat approval for Mountainland Vistas Subdivision located at 6108 West 3500 South.

Mr. Nielsen stated the subject subdivision consisted of three lots on one acre of property with lot sizes well in excess of the required minimum for the 'R-1-8' zone, including properties to be considered flag lots. He also stated an existing dwelling located on Lot 1 would be removed as part of the subdivision.

The Acting City Manager reported access to the subdivision would be gained from 3500 South and the developer would dedicate additional right-of-way along 3500 South for future widening of that road. He indicated street improvements, including a tie-in with the Meadow Breeze Subdivision to the east, would need to be coordinated with the Utah Department of Transportation (UDOT).

Mr. Nielsen indicated a shared common driveway would serve all lots in the subdivision. He stated the driveway would be designated as a public utility and access easement and would be noted that all owners of the subdivision be active participants for maintenance. The driveway had been configured in such a way to serve as a hammerhead turnaround for emergency vehicles. Mr. Nielsen stated this matter would need to be reviewed and approved by the Fire Department.

The Acting City Manager stated the subdivision did have a gentle down slope from south to north. He indicated a letter had been received from the owner of Lot 54 in the Meadow Breeze Subdivision expressing concern regarding on-site water. He further stated staff had informed the developer of that concern and would recommend either a retaining wall be constructed or other measures employed to avoid negatively impacting adjacent properties. Mr. Nielsen indicated the developer would be required to coordinate the matter with the Engineering Division. He further indicated, fortunately, the rear lots were rather deep which would assist in managing this concern.

Mr. Nielsen reported that during the re-zoning of the subject property a development agreement had been required. He also advised an executive

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summary would be provided to the City Council regarding the developer's commitments.

Mayor Nordfelt recognized Christine Saley, representing the applicant. Ms. Saley addressed the City Council and discussed the subdivision proposal and requested approval.

After discussion, Councilmember Winder moved to approve Application No. S-3-2007 and give final plat approval for Mountainland Vistas Subdivision located at 6108 West 3500 South. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13308      **APPLICATION NO. SD-1-2007, FILED BY ZION'S SECURITIES, REQUESTING APPROVAL OF STREET DEDICATION PLAT FOR Highbury PARKWAY EXTENSION LOCATED AT 2700 SOUTH 5200 WEST**

Acting City Manager, Buzz Nielsen, presented Application No. SD-1-2007, filed by Zion's Securities, requesting approval of a street dedication plat for Highbury Parkway Extension located at 2700 South 5200 West.

Mr. Nielsen stated the proposal had been initiated due to present and future development in the subject area. He indicated extension of Highbury Parkway would provide a connection from Lake Park Boulevard to Daybury Drive.

The Acting City Manager reported the proposed right-of-way would be consistent with previously approved rights-of-way in the Lake Park development. He indicated the right-of-way would be 85 feet in width having a five foot park strip and sidewalk. Mr. Nielsen stated landscaped medians would also be positioned in the entire right-of-way consistent with other roads in the development. He further

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stated the intersections at both ends of the road would flow into the previously approved roundabouts.

Mr. Nielsen indicated various cutouts would also be planned for the roadway. He stated Zion's would place the cutouts at various intervals along the right-of-way to accommodate future development on each side of the street.

The Acting City Manager reported Highbury Parkway would also contain a bridge over a yet to be constructed waterway. The construction of the bridge would allow water to flow from the large detention basin into an overall waterway system to be used as an amenity for the Lake Park Development. Mr. Nielsen stated the construction and materials used for the bridge would be similar to other bridges previously constructed.

Upon discussion, Mayor Nordfelt inquired regarding measures to accommodate bicyclists in the described subdivision and subject road. CED Director, Joseph Moore, stated bicyclists could not be accommodated on that particular segment of road; however, the walkway was wide enough on another section of trail system, which he pointed out on a map. Mr. Moore indicated inquiry could be made of the developer if he would be willing to accommodate bicyclists by designating a portion of the road for that purpose.

Councilmember Vincent stated there had also been requests from commuters who rode bicycles to work and he inquired what plans the City had regarding that issue. CED Director, Joseph Moore, explained staff had discussed a plan of that nature in the past. Mayor Nordfelt stated Zions Securities had discussed making their development "bicycle and pedestrian friendly," during past presentations.

Councilmember Burt inquired regarding roundabouts in the subject development and location of the sidewalks near them. CED Director, Joseph Moore, pointed out roundabouts and sidewalks on the map.

CED Director, Joseph Moore, discussed other amenities in the development such as plans for an urban fishery.

Mayor Nordfelt stated bicyclists would want to ride on the subject road. CED Director, Joseph Moore, advised staff would discuss the issue further with the developer.

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Councilmember Vincent stated it would be well for the City Council to give better direction to the City Manager regarding accommodating bicyclists when roads were designed for future developments.

After further discussion, Councilmember Burt moved to table Application No. SD-1-2007 and continue the matter to the Regular Council Meeting scheduled June 19, 2007, to allow staff time to discuss bicycle issues with the developer. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous. Application No. SD-1-2007 continued to June 19, 2007.

13309

### **CONSENT AGENDA:**

**A. RESOLUTION NO. 07-116, AUTHORIZE CITY TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH RICHARD B. FAST AND SHERRY R. FAST FOR PROPERTY LOCATED AT 2235 WEST 3800 SOUTH; AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT, 3800 SOUTH IMPROVEMENT PROJECT**

Acting City Manager, Buzz Nielsen, presented proposed Resolution No. 07-116 which would authorize the City to enter into a Right-of-Way Agreement with Richard B. Fast and Sherry R. Fast for property located at 2235 West 3800 South; and accept a Warranty Deed and Grant of Temporary Construction Easement, regarding the 3800 South Improvement Project.

Mr. Nielsen stated Richard B. Fast and Sherry R. Fast had signed the Right-of-Way Agreement, Warranty Deed, and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the subject project.



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He stated the Right-of-Way Agreement and Warranty Deed covered the purchase of 525 square feet of property along the frontage of their property. He indicated the current right-of-way was at 25 feet and an additional five feet was being acquired for a total 30 foot half width. He stated the owner had also signed a Grant of Temporary Construction Easement which would automatically expire December 31, 2007. Mr. Nielsen also reported total compensation for purchase of right-of-way, improvements, compensable damages and the easement would be in the amount of \$12,925.00, which amount was in accordance with an appraisal prepared by Free & Associates, Inc.

**B. RESOLUTION NO. 07-117, AUTHORIZE CITY TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH THE FIRST BAPTIST CHURCH OF GRANGER, NOW KNOWN AS THE FIRST BAPTIST CHURCH OF WEST VALLEY CITY, FOR PROPERTY LOCATED AT 3831 SOUTH 2700 WEST; ACCEPT A WARRANTY DEED, PUBLIC UTILITY EASEMENT AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT, 3800 SOUTH IMPROVEMENT PROJECT**

Acting City Manager, Buzz Nielsen, presented proposed Resolution No. 07-117 which would authorize the City to enter into a Right-of-Way Agreement with the First Baptist Church of Granger, now known as the First Baptist Church of West Valley City, for property located at 3831 South 2700 West; and accept a Warranty Deed, Public Utility Easement and Grant of Temporary Construction, regarding the 3800 South Improvement Project.

Mr. Nielsen stated the First Baptist Church of West Valley City had signed the Right-of-Way Agreement, Warranty Deed, Public Utility Easement, and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the project. He also reported the Right-of-Way Agreement and Warranty Deed covered purchase of 1,253 square feet along the north property frontage on 3800 South. He indicated a public utility easement had also been signed to allow for the placement of a street light and electrical conduit behind the sidewalk on the owner's property. Mr. Nielsen stated the Grant of Temporary Construction Easement would automatically expire December 31, 2007. He advised that total compensation for purchase of the right-of-way, improvements, compensable damages and easement would be in the

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amount of \$8,125.00. Mr. Nielsen stated the amount had been based on an appraisal prepared by Free & Associates, Inc.

**C. RESOLUTION NO. 07-118, AUTHORIZE CITY TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH FERNANDO DAVID ROBLES GARCIA FOR PROPERTY LOCATED AT 2413 WEST 3800 SOUTH; ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT, 3800 SOUTH IMPROVEMENT PROJECT**

Acting City Manager, Buzz Nielsen, presented proposed Resolution No. 07-118 which would authorize the City to enter into a Right-of-Way Agreement with Fernando David Robles Garcia for property located at 2413 West 3800 South; and accept a Warranty Deed and Grant of Temporary Construction Easement regarding the 3800 South Improvement Project.

Mr. Nielsen stated Fernando David Robles Garcia had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the project. He also reported the Right-of-Way Agreement and Warranty Deed had been executed for purchase of 520 square feet along the north five feet of the grantor's property adjacent to 3800 South. He indicated the existing right-of-way width was at a 25 foot half width and needed to be widened to a 30 foot half width; however, there was existing curb and gutter and a four foot sidewalk. He stated the back of the existing four foot sidewalk was at a 29 foot half width. As the improvement had been in place for at least 20 years, the underlying property had become public through use. Mr. Nielsen stated while we were acquiring the full five feet in width in order to "clean up" the title it would only be required to pay for the additional one foot of width (104 square feet). The Acting City Manager stated the Grant of Temporary Construction Easement would automatically expire December 31, 2007. He reported total compensation of the right-of-way and easement would be in the amount of \$1,200.00. He further stated as the cost of an appraisal would likely exceed the actual value of the property, compensation had been based on a range of rates used by other entities for similar small acquisitions of property.

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**D. RESOLUTION NO. 07-119, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DUANE WALKER FOR PROPERTY LOCATED AT 3804 SOUTH 2200 WEST, 3800 SOUTH IMPROVEMENT PROJECT**

Acting City Manager, Buzz Nielsen, presented proposed Resolution No. 07-119 which would accept a Grant of Temporary Construction Easement from Duane Walker for property located at 3804 South 2200 West regarding the 3800 South Improvement Project.

Mr. Nielsen stated Duane Walker had signed the Grant of Temporary Construction Easement.

The Acting City Manager advised the project extended along the south side of 3800 South between 2200 West and 2700 West. He indicated the subject parcel was one of the properties affected and benefited by construction of the project. He stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2007.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 07-116, 07-117, 07-118, and 07-119 as presented on the Consent Agenda. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 12, 2007, WAS ADJOURNED AT 6:53 P.M., BY MAYOR NORDFELT.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held June 12, 2007.

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Sheri McKendrick, MMC  
City Recorder